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6 Attorneys for Complainant

7  
8 BEFORE THE  
PHYSICIAN ASSISTANT EXAMINING COMMITTEE  
9 MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
10 STATE OF CALIFORNIA  
11

12 In the Matter of the Accusation )  
Against: )

No. D-5669

13 LINDA A. LEWIS )  
14 587 East Hyde Park Place )  
Inglewood, California 90302 )

A C C U S A T I O N

15 Physician Assistant License )  
16 Number PA10179 )

17 Respondent. )  
18

19 Complainant Ray E. Dale, in his official capacity as  
20 Executive Officer of the Physician Assistant Examining Committee  
21 (hereinafter referred to as "the Committee"), alleges as follows:

22 PRELIMINARY STATEMENT

23 1. By this Accusation, Complainant charges Linda A.  
24 Lewis (hereinafter referred to as "Respondent") with having a  
25 conviction of the crime of disorderly conduct - prostitution in  
26 violation of the Physician Assistant Practice Act (Bus. & Prof.  
27 Code, § 3500 et seq.), the Medical Practice Act (Bus. & Prof.

1 Code, § 2000 et seq.) and other applicable laws and regulations.

2 2. Respondent was convicted of disorderly conduct -  
3 prostitution pursuant to a guilty plea.

4 3. Respondent's criminal conviction warrants the  
5 issuance of an order by the Physician Assistant Examining  
6 Committee that Respondent be subjected to disciplinary action,  
7 including an order that her license as a physician assistant be  
8 suspended or revoked.

9 PARTIES

10 4. Complainant, Ray E. Dale, is the Executive Officer  
11 of the Physician Assistant Examining Committee. Complainant  
12 brings this Accusation solely in his official capacity.

13 5. On or about June 9, 1977, the Committee issued  
14 Physician Assistant License No. PA10179 to Respondent Linda A.  
15 Lewis. At all times relevant herein, said license was valid  
16 until such license expired on May 31, 1992.

17 JURISDICTION

18 6. Business and Professions Code section 3527,  
19 subdivision (a)<sup>1/</sup> provides that "[t]he committee may order . . .  
20 the suspension or revocation of, or the imposition of  
21 probationary conditions upon a physician's assistant license  
22 after a hearing as required in Section 3528 for unprofessional  
23 conduct which includes, but is not limited to, a violation of  
24 this chapter [the Physician Assistant Practice Act], a violation

25

26

27 1. All statutory references are to the Business and  
Professions Code, unless otherwise indicated.

1 of the Medical Practice Act, or a violation of the regulations  
2 adopted by the committee or the board."

3           7. Section 3531 of the Code provides that "[a] plea  
4 or verdict of guilty or a conviction following a plea of nolo  
5 contendere made to a charge of a felony or of any offense which  
6 is substantially related to the qualifications, functions, or  
7 duties of the business or profession to which the license was  
8 issued is deemed to be a conviction within the meaning of this  
9 chapter. The committee may order the license suspended or  
10 revoked, or shall decline to issue a license when the time for  
11 appeal has elapsed, or the judgment of conviction has been  
12 affirmed on appeal or when an order granting probation is made  
13 suspending the imposition of sentence, irrespective of a  
14 subsequent order under the provisions of Section 1203.4 of the  
15 Penal Code allowing such person to withdraw his plea of guilty  
16 and to enter a plea of not guilty, or setting aside the verdict  
17 of guilty, or dismissing the accusation, information or  
18 indictment."

19           8. Section 490 of the Code provides that the Committee  
20 may suspend or revoke a license on the ground that the licensee  
21 has been convicted of a crime which is substantially related to  
22 the qualifications, functions, or duties of the business or  
23 profession for which the license was issued.

24           9. Section 1399.525 of the California Code of  
25 Regulations, title 16, provides that "[f]or the purposes of  
26 the denial, suspension or revocation of a license or approval  
27 pursuant to division 1.5 (commencing with section 475) of the

1 code, a crime or act shall be considered to be substantially  
2 related to the qualifications, functions or duties of a person  
3 holding a license or approval under Physician Assistant Practice  
4 Act if to a substantial degree it evidences present or potential  
5 unfitness of a person holding such a license or approval to  
6 perform the functions authorized by the license or approval in a  
7 manner consistent with the public health, safety or welfare.  
8 Such crimes or acts shall include, but are not limited to, the  
9 following:

10 (a) Violating or attempting to violate, directly  
11 or indirectly, or assisting in or abetting the  
12 violation of, or conspiring to violate any provision or  
13 term of the Medical Practice Act.

14 (b) Violating or attempting to violate, directly  
15 or indirectly, or assisting in or abetting the  
16 violation of, or conspiring to violate any provision or  
17 term of the Physician Assistant Practice Act."

18 10. Section 1399.521 of the California Code of  
19 Regulations, title 16, provides in pertinent part that "[i]n  
20 addition to the grounds set forth in section 3527, subd. (a), of  
21 the code the committee may . . . suspend, revoke or place on  
22 probation a physician assistant for the following causes:

23 (a) Any violation of the State Medical Practice  
24 Act which would constitute unprofessional conduct for a  
25 physician and surgeon. . . ."

26 11. Section 2234, subdivision (e) of the Code under  
27 the Medical Practice Act provides that "unprofessional conduct"

1 includes "[t]he commission of any act involving dishonesty or  
2 corruption which is substantially related to the qualifications,  
3 functions, or duties of a physician and surgeon."

4 12. Section 118 of the Code provides in pertinent part  
5 as follows:

6 "(b) The suspension, expiration, or  
7 forfeiture by operation of law of a license issued by a  
8 board in the department, or its suspension, forfeiture,  
9 or cancellation by order of the board or by order of a  
10 court of law, or its surrender without the written  
11 consent of the board, shall not, during any period in  
12 which it may be renewed, restored, reissued, or  
13 reinstated, deprive the board of its authority to  
14 institute or continue a disciplinary proceeding against  
15 the licensee upon any ground provided by law or to  
16 enter an order suspending or revoking the license or  
17 otherwise taking disciplinary action against the  
18 licensee on any such ground.

19 (c) As used in this section, 'board'  
20 includes an individual who is authorized by any  
21 provision of this code to issue, suspend, or revoke a  
22 license, and 'license' includes 'certificate,'  
23 'registration,' and 'permit.'"

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1                                    CAUSES FOR DISCIPLINARY ACTION

2                                    I

3                                    Conviction of the Crime of Disorderly

4                                    Conduct - Prostitution

5                                    13. Respondent is subject to disciplinary action for  
6                                    engaging in unprofessional conduct by having a conviction of the  
7                                    crime of disorderly conduct - prostitution in violation of  
8                                    sections 490 and 3531 of the Code. The facts and circumstances  
9                                    regarding the conviction are as follows:

10                                    A. On or about November 20, 1991, Respondent  
11                                    entered the plain unmarked vehicle of an undercover police  
12                                    officer, who was monitoring vice activity in the area of  
13                                    101st and Main Street in Los Angeles. During a conversation  
14                                    initiated by Respondent, Respondent asked the officer how  
15                                    much money did he have. The officer responded that he has  
16                                    \$10.00. Respondent offered to perform a sexual act in  
17                                    exchange for the \$10.00 to which the undercover officer  
18                                    agreed. Respondent next told the undercover officer to park  
19                                    his vehicle in front of a big truck so that they could hide.  
20                                    Respondent was arrested for prostitution.

21                                    B. On or about December 5, 1991, a Complaint was  
22                                    filed in the matter of People v. Linda Arlene Lewis, Case  
23                                    No. 91R26025, in the Municipal Court of Los Angeles Judicial  
24                                    District, County of Los Angeles, State of California,  
25                                    charging Respondent with committing a violation of Penal  
26                                    Code section 647, subdivision (b), a misdemeanor, on  
27

1 November 20, 1991, for soliciting or agreeing to engage in  
2 or engaging in any act of prostitution.

3 C. On or about April 15, 1992, Respondent was  
4 convicted based upon a plea of guilty of violating Penal  
5 Code section 647, subdivision (b) as charged in the  
6 Complaint in Case No. 91R26025. Respondent was placed on  
7 summary probation for one year and ordered to serve five  
8 days in County Jail, to obey all laws and to complete an  
9 AIDS education program and HIV blood test.

10 14. Respondent's commission of the crime of disorderly  
11 conduct - prostitution constitutes a crime or act which is  
12 substantially related to the qualifications, functions or duties  
13 of a physician assistant as defined under section 1399.525 of the  
14 California Code of Regulations, title 16.

15 II

16 Commission of a Corrupt Act

17 15. Respondent is subject to disciplinary action for  
18 engaging in unprofessional conduct by committing a corrupt act of  
19 soliciting or agreeing to engage in prostitution in violation of  
20 sections 2234 subdivision (e) [Medical Practice Act] and 3527,  
21 subdivision (a) of the Code. The facts and circumstances as  
22 alleged in Paragraph 13 of this Accusation are incorporated  
23 herein by reference.

24 RECOVERY OF INVESTIGATION AND

25 ENFORCEMENT COSTS

26 16. Section 125.3 of the Code provides that the  
27 Committee may request the administrative law judge to direct a

1 licensee found to have committed a violation or violations of the  
2 licensing act to pay a sum not to exceed the reasonable costs of  
3 the investigation and enforcement of the case. In addition,  
4 section 125.3 provides that such costs shall include "the amount  
5 of investigative and enforcement costs up to the date of the  
6 hearing, including, but not limited to, charges imposed by the  
7 Attorney General."

8 PRAYER

9 WHEREFORE, Complainant requests that a hearing be held  
10 in this matter and that following said hearing, the Committee  
11 issue a decision:

12 1. Suspending or revoking Physician Assistant  
13 License Number PA10179 issued to Respondent Linda A. Lewis;

14 2. Request the administrative law judge to direct  
15 Respondent to pay to the Committee costs of the investigation and  
16 enforcement of this case; and

17 3. Taking such other action as the Committee deems  
18 necessary and proper.

19 DATED: January 31, 1994.

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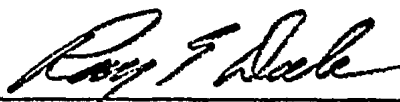
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RAY E. DALE  
Executive Officer  
Physician Assistant Examining Committee  
Medical Board of California  
Department of Consumer Affairs  
State of California

Complainant